

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

ALAN DISOMMA,

Plaintiff,

v.

CIVIL ACTION NO. 5:23-cv-00528

WEST VIRGINIA DIVISION OF  
CORRECTION AND REHABILITATION and  
DR. RASHID,

Defendants.

**ORDER**

Pending are Defendant West Virginia Department of Corrections and Rehabilitation's Motion to Dismiss [Doc. 20], filed October 11, 2024, and Defendant Dr. Humayun Rashid's Motion to Dismiss [Doc. 22], filed October 14, 2024. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on March 26, 2025. Magistrate Judge Aboulhosn recommended that the Court grant the motions to dismiss.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*

*Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on April 14, 2025. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 36**], **GRANTS** the Motions to Dismiss [**Docs. 20, 22**], **DISMISSES** the Complaint [**Doc. 2**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: May 27, 2025



*Frank W. Volk*

Frank W. Volk  
Chief United States District Judge